

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. NO. 973 (MS) OF 2004

Mr. Naresh Kumar Garg

.....Petitioner.

Versus

Family Court, Dehradun and another.

.....Respondents.

HON'BLE RAJESH TANDON J.

Hard Sri Kanwaljit Singh and Sri N.S. Pundir, learned counsel for the petitioner and Standing Counsel for the respondents.

By the present Writ Petition, the petitioner has prayed for a writ of mandamus directing the respondent no. 1 to decide the case filed by the petitioner against the respondent no. 2.

Briefly stated, Suit No. 683 of Hindu Marriage Act was filed as back as in 1990. Counsel for the petitioner has submitted that inspite of the fact that the Suit was filed in the year, 1990, but the matter has not yet been finalized. From the record of the petition, it appears that the statements have already been recorded and the written statement has already been filed by the respondent.

Section 21 (1) (b) of the Family Court Act, which provides as under:-

“(2) Every petition under this act shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six

months from the date of service of notice of the petition on the respondent.”

In view of the aforesaid, the respondent no. 1 is directed to conclude the hearing of Suit No. 25 of 2002 (Earlier No. 683 of 1990) within a period of two months. The Writ Petition is disposed of. No order as to costs.

(Rajesh Tandon,J.)

06.10.2004

P.S. Rathour